

NOTICE OF PUBLIC INFORMATION
DEPARTMENT OF HEALTH SERVICES

- 1. Title and its heading:** 9, Health Services
- Chapter and its heading:** 2, Department of Health Services
Tobacco Tax-Funded Programs
- Article and its heading:** 1, Smoke-free Arizona
- Section numbers:** R9-2-101 through R9-2-111 (As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.)

2. The public information relating to the listed Sections:

On November 7, 2006, Arizona voters approved the Smoke-Free Arizona Act (Act), the initiative measure designated Proposition 201. This Notice of Public Information provides notice that the Department of Health Services (Department) will hold public hearings on March 6, March 7, and March 8, 2007, to obtain public comment about proposed delegation agreements related to the Act and about proposed exempt rules for implementing and enforcing the Act. In A.R.S. § 36-601.01(G)(10), the Act authorizes delegation by the Department to state agencies or political subdivisions. In A.R.S. § 36-601.01(G)(11), the Act authorizes the Department to make rules and exempts the Department until May 1, 2007, from the regular rulemaking requirements in A.R.S. Title 41, Chapter 6. As part of this rulemaking, the Department will also change the 9 A.A.C. 2 heading from "Tobacco Tax-funded Programs" to "Tobacco-related Programs."

The Department filed the Notices of Proposed Delegation Agreement with the Secretary of State on December 29, 2006. The Notices of Proposed Delegation Agreement are available on the Department's website at http://www.azdhs.gov/diro/admin_rules/smoke_free.htm.

The Department's draft proposed exempt rules are available on the Department's website at http://www.azdhs.gov/diro/admin_rules/index.htm, click on "Smoke-free Arizona (Proposition 201) Rulemaking." The Department will file the Notice of Proposed Exempt Rulemaking with the Secretary of State by February 2, 2007.

3. The name, address, and telephone number of agency personnel to whom questions and comments on the rules may be addressed:

Name: Diane Eckles, Office Chief

Address: Arizona Department of Health Services
Office of Environmental Health

150 N. 18th Avenue, Suite 430
 Phoenix, AZ 85007
 Telephone: (602) 364-3142
 Fax: (602) 364-3146
 E-mail: ecklesd@azdhs.gov
 Or
 Name: Kathleen Phillips, Rules Administrator and Administrative Counsel
 Address: Arizona Department of Health Services
 1740 W. Adams, Room 200
 Phoenix, AZ 85007
 Telephone: (602) 542-1264
 Fax: (602) 364-1150
 E-mail: phillik@azdhs.gov

4. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments on the proposed delegation agreements or the proposed exempt rules may be submitted no later than the close of record to an individual listed in item #3.

The Department has established the following close of record for the proposed delegation agreements and the proposed exempt rules:

CLOSE OF RECORD
5:00 p.m., March 8, 2007

The Department has scheduled the following public hearings on the proposed delegation agreements:

PUBLIC HEARINGS ON PROPOSED DELEGATION AGREEMENTS		
LOCATION	DATE	TIME
Department of Health Services State Laboratory First Floor Conference Room 250 N. 17th Ave. Phoenix, AZ 85007	March 6, 2007	9:00 a.m.

Pima County Administration Building Pima County Board of Supervisors Hearing Room 130 W. Congress St. Tucson, AZ 85701	March 7, 2007	10:00 a.m.
Coconino County Administration Building Coconino County Board of Supervisors First Floor Meeting Room 219 E. Cherry Ave. Flagstaff, AZ 86001	March 8, 2007	11:00 a.m.

The Department has scheduled the following public hearings on the proposed exempt rules:

PUBLIC HEARINGS ON PROPOSED EXEMPT RULES		
LOCATION	DATE	TIME
Department of Health Services State Laboratory First Floor Conference Room 250 N. 17th Ave. Phoenix, AZ 85007	March 6, 2007	10:00 a.m.
Pima County Administration Building Pima County Board of Supervisors Hearing Room 130 W. Congress St. Tucson, AZ 85701	March 7, 2007	11:00 a.m.

Coconino County Administration Building Coconino County Board of Supervisors First Floor Meeting Room 219 E. Cherry Ave. Flagstaff, AZ 86001	March 8, 2007	1:00 p.m.
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A person with a disability may request a reasonable accommodation for the public hearings on the proposed delegation agreements or the public hearings on the proposed exempt rules by contacting Lynn Golder at (602) 364-3958 or golderl@azdhs.gov. Requests should be made as early as possible to allow time to arrange the accommodation.